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**From:** Fritz, Maranda <Maranda.Fritz@thompsonhine.com>  
**Sent:** Thursday, March 08, 2018 7:34 PM  
**To:** Miller, Terry; Aaron Lebenta  
**Cc:** Brent R. Baker; Jonathan D. Bletzacker; Carlyle, Zachary T.; Pinkston, Marla J.  
**Subject:** RE: SEC v. Alpine - Deposition of John Hurry

It seems to me that you would need to have served the subpoena before any motion could be filed.

Maranda

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**From:** Miller, Terry [<mailto:millerte@SEC.GOV>]  
**Sent:** Thursday, March 08, 2018 8:50 PM  
**To:** Aaron Lebenta  
**Cc:** Fritz, Maranda; Brent R. Baker; Jonathan D. Bletzacker; Carlyle, Zachary T.; Pinkston, Marla J.  
**Subject:** Re: SEC v. Alpine - Deposition of John Hurry

I'm just trying to get this to a point that you can address the court with your objections. Can we just agree that you will file a motion for protective order if we serve you with a notice? Do we really need to serve a subpoena personally for you to ask the court for assistance?

Sent from my iPhone

On Mar 8, 2018, at 6:23 PM, Aaron Lebenta <[ADL@ClydeSnow.com](mailto:ADL@ClydeSnow.com)> wrote:

Terry,

Thank you for your email. We have told you several times that Alpine objects to the deposition of Mr. Hurry on multiple grounds. Confirming a date for the deposition seems unnecessary until the Court resolves our objection. However, March 23 would not work for a deposition in any event. Ms. Farmer's deposition in Iowa is on March 22, and is scheduled to proceed late into the evening. As a result, there is a significant likelihood that none of us will be able to leave Iowa until March 23. With your unavailability the week of March 27, it looks like the earliest any such deposition could occur, if it were to be allowed by the Court, is in April. Finally, we have not been authorized to accept service of a subpoena on Mr. Hurry's behalf.

Thank you.

Aaron Lebenta

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**From:** Miller, Terry <[millerte@SEC.GOV](mailto:millerte@SEC.GOV)>  
**Sent:** Wednesday, March 7, 2018 2:10 PM  
**To:** [maranda.fritz@thompsonhine.com](mailto:maranda.fritz@thompsonhine.com); Brent R. Baker; Aaron Lebenta; Jonathan D. Bletzacker  
**Cc:** Carlyle, Zachary T.; Pinkston, Marla J.  
**Subject:** SEC v. Alpine - Deposition of John Hurry

Alpine counsel,

I'm reaching out one more time about scheduling John Hurry's deposition, which we have tried to do since February 23. You have not told us that you can accept service of a subpoena on his behalf and have not given us available dates.

We will begin the process of personal service tomorrow if we don't hear that you will accept service. We will schedule the deposition for March 23 at the SEC's Salt Lake office. We will consider specific alternative dates and specific alternative locations if the date or location is not convenient for Alpine or the witness.

Thanks very much,

Terry R. Miller  
Trial Counsel, Division of Enforcement

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